

(b) The Civil Service Commission is authorized to issue regulations for the administration of this section.

(c) This section shall not be considered as affecting the authority of an Executive agency, except to the extent and under the conditions covered under this section, to grant administrative leave excusing an employee from work when it is in the public interest. (Added Pub. L. 90-588, § 1(a), Oct. 17, 1968, 82 Stat. 1151.)

REFERENCES IN TEXT

Section 112 of the Internal Revenue Code, referred to in subsec. (a), is classified to section 112 of Title 26, Internal Revenue Code.

Subpart F.—Employee Relations

Chapter 71.—POLICIES

SUBCHAPTER I.—EMPLOYEE ORGANIZATIONS

Sec.

7101. Right to organize; postal employees.
7102. Right to petition Congress; employees.

SUBCHAPTER II.—ANTIDISCRIMINATION IN EMPLOYMENT

7151. Policy.
7152. Marital status.
7153. Physical handicap.
7154. Other prohibitions.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 39 section 410.

SUBCHAPTER I.—EMPLOYEE ORGANIZATIONS

§ 7101. Right to organize; postal employees.

A postal employee may not be reduced in rank or pay or removed from the United States Postal Service because of—

(1) membership in an organization of postal employees having for its objects, among other things, improvements in the working conditions of its members, including hours of work, pay, and leave of absence, and which is not affiliated with an outside organization imposing an obligation on the employees to engage in a strike, or proposing to assist them in a strike, against the United States; or

(2) presenting, individually or as a member of a group of postal employees, a grievance to Congress or a Member of Congress.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 523; Pub. L. 91-375, § 6(c) (19), Aug. 12, 1970, 84 Stat. 776.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
----	5 U.S.C. 652 (c)	Aug. 24, 1912, ch. 389, § 6 (proviso), 37 Stat. 555. June 10, 1948, ch. 447 "Sec. 6 (c)", 62 Stat. 356.

Reference to "society, association, club" is omitted as included within the word "organization".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1970—Pub. L. 91-375 substituted "United States Postal Service" for "postal service".

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service

and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of Title 39, Postal Service.

LABOR-MANAGEMENT RELATIONS IN THE FEDERAL SERVICE

Policies governing officers and agencies of the executive branch of the Government in all dealings with Federal employees and organizations representing such employees, see Ex. Ord. No. 11491, Oct. 29, 1969, 34 F.R. 17605, set out as a note under section 7301 of this title.

§ 7102. Right to petition Congress; employees.

The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 523.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
----	5 U.S.C. 652 (d)	Aug. 24, 1912, ch. 389, § 6 (last sentence), 37 Stat. 555. June 10, 1948, ch. 447 "Sec. 6(d)", 62 Stat. 356.

The words "in the civil service" are omitted as unnecessary in view of the definition of "employee" in section 2105.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 39 section 1002.

SUBCHAPTER II.—ANTIDISCRIMINATION IN EMPLOYMENT

§ 7151. Policy.

It is the policy of the United States to insure equal employment opportunities for employees without discrimination because of race, color, religion, sex, or national origin. The President shall use his existing authority to carry out this policy. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 523.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
----	42 U.S.C. 2000 e(b) (2d proviso).	July 2, 1964, Pub. L. 88-352, § 701(b) (2d proviso), 78 Stat. 254.

The word "Federal" is omitted as unnecessary in view of the definition of "employee" in section 2105.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 7152. Marital status.

The President may prescribe rules which shall prohibit, as nearly as conditions of good administration warrant, discrimination because of marital status in an Executive agency or in the competitive service. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 523.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
----	5 U.S.C. 633 (2) 6 (less 1st sentence).	July 26, 1937, ch. 522, 50 Stat. 533.

The authority of the President to prescribe rules is added on authority of former section 633(1), which is carried into section 3302. The section is rewritten as a

general prohibition instead of specifying each of the personnel actions to which the prohibition applies. The words "in an Executive agency or in the competitive service" are added for clarity. The sentence "All Acts or parts of Acts inconsistent herewith are repealed." is omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3302 of this title.

§ 7153. Physical handicap.

The President may prescribe rules which shall prohibit, as nearly as conditions of good administration warrant, discrimination because of physical handicap in an Executive agency or in the competitive service with respect to a position the duties of which, in the opinion of the Civil Service Commission, can be performed efficiently by an individual with a physical handicap, except that the employment may not endanger the health or safety of the individual or others. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 523.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
----	5 U.S.C. 633(2)9	June 10, 1948, ch. 434, 62 Stat. 351.

The authority of the President to prescribe rules is added on authority of former section 633(1), which is carried into section 3302. The section is rewritten as a general prohibition instead of specifying the personnel actions included in former section 633(2)9. The words "in an Executive agency or in the competitive service" are added for clarity.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3302 of this title.

§ 7154. Other prohibitions.

(a) Repealed. Pub. L. 90-83, § 1(44), Sept. 11, 1967, 81 Stat. 208.

(b) In the administration of chapter 51, subchapter III of chapter 53, and sections 305 and 3324 of this title, discrimination because of race, color, creed, sex, or marital status is prohibited with respect to an individual or a position held by an individual.

(c) The Civil Service Commission may prescribe regulations necessary for the administration of subsection (b) of this section. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 523; Pub. L. 90-83, § 1(44), Sept. 11, 1967, 81 Stat. 208.)

HISTORICAL AND REVISION NOTES 1966 ACT

Derivation	U.S. Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 33	R.S. § 165.
(b)	5 U.S.C. 1074	Oct. 28, 1949, ch. 782, § 1103, 63 Stat. 972.

In subsection (a), the words "Executive department" are substituted for "department" as the definition of "department" applicable to this section is coextensive with the definition of "Executive department" in section 101. The words "or military department" are inserted to preserve the application of the source law. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive department including the Depart-

ment of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source law for this subsection, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser's note for section 301. The words "in the discretion of" are omitted as unnecessary in view of the permissive grant of authority. The words "positions in the department" are substituted for "any of the clerkships therein authorized by law". The words "upon the same requisites and conditions" are omitted as unnecessary. The words "legal pay of the position to which appointed" are substituted for "same compensations, as are prescribed for men".

This subsection was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, § 201(d), as added Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579 (former 5 U.S.C. 171-1), which provides "Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense" is omitted from this title, but is not repealed.

Subsection (c) is added on authority of former sections 1072 and 1072a, which are codified in section 5115.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

1967 ACT

This section deletes subsection (a) of 5 U.S.C. 7154 to reflect the repeal of the source statute of that subsection by Public Law 89-261, 79 Stat. 987.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 sections 4540, 7212, 9540.

Chapter 73.—SUITABILITY, SECURITY, AND CONDUCT

SUBCHAPTER I.—REGULATION OF CONDUCT

Sec.

7301. Presidential regulations.

SUBCHAPTER II.—EMPLOYMENT LIMITATIONS

7311. Loyalty and striking.

7312. Employment and clearance; individuals removed for national security.

7313. Riots and civil disorders.

SUBCHAPTER III.—POLITICAL ACTIVITIES

7321. Political contributions and services.

7322. Political use of authority or influence; prohibition.

7323. Political contributions; prohibition.

7324. Influencing elections; taking part in political campaigns; prohibitions; exceptions.

7325. Penalties.

7326. Nonpartisan political activity permitted.

7327. Political activity permitted; employees residing in certain municipalities.

SUBCHAPTER IV.—FOREIGN GIFTS AND DECORATIONS

7342. Receipt and disposition of foreign gifts and decorations.

SUBCHAPTER V.—MISCONDUCT

7351. Gifts to superiors.

7352. Excessive and habitual use of intoxicants.

AMENDMENTS

1968—Pub. L. 90-351, title V, § 1001(b), June 19, 1968, 82 Stat. 235, substituted "Employment Limitations" for "Loyalty, Security, and Striking" as the subchapter II heading, and added item 7313.

1967—Pub. L. 90-83, § 1(46), Sept. 11, 1967 81 Stat. 209, inserted "Gifts and" preceding "Decorations" in the heading for subchapter IV, item 7341 and added item 7342.